

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
)
) 03 MDL No. 1570 (RCC)
ECF Case

This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 02-CV-6977;
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No. 03-CV-5738;
CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 04-CV-05970;
EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07279;
FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978;
NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-CV-6105;
TREMSKY, *et al.* v. OSAMA BIN LADEN, *et al.*, Case No. 02-CV-7300; and
WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07280.

**DECLARATION OF ALAN R. KABAT IN SUPPORT OF
DEFENDANTS SAUDI ARABIAN RED CRESCENT SOCIETY'S
AND DR. ABDUL RAHMAN AL SWAILEM'S
CONSOLIDATED MOTION TO DISMISS**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to defendants Saudi Arabian Red Crescent Society and Dr. Abdul Rahman Al Swailem. I submit this declaration to transmit to the Court the following documents submitted in support of defendants' Consolidated Motion to Dismiss:

1. Exhibit 1 to defendants' motion to dismiss is a copy of the Declaration of Abdul Rahman Al Swailem, submitted on behalf of the Saudi Arabian Red Crescent Society.
2. Exhibit 2 to defendants' motion to dismiss is a copy of the Declaration of Abdul

Rahman Al Swailem.

3. Exhibit 3 to defendants' motion to dismiss is a copy of the newspaper article by L. Williams & E. McCormick, "Top Bin Laden Aide Toured California," *San Francisco Chronicle*, Oct. 11, 2001.

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on September 6, 2005.

Handwritten signature of Alan R. Kabat in black ink.

ALAN R. KABAT

Exhibit 1

Saudi Arabian Red Crescent Society's
and
Dr. Abdul Rahman Al Swailem's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

C.A. No. 03 CV 9849 (RCC)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF ABDUL RAHMAN AL SWAILEM

I, Dr. Abdul Rahman Al Swailem, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.
2. I have been informed by my attorney that the Saudi Arabian Red Crescent Society ("Saudi Red Crescent") is a defendant (D211) in the above-captioned action. I am submitting this declaration in support of the Saudi Red Crescent's Motion to Dismiss for (1) sovereign immunity, (2) lack of personal jurisdiction, and (3) improper service of process. I am a physician and the President of the Saudi Red Crescent holding an Excellency^{diplomatic}/position.
3. The Saudi Red Crescent was established by Royal Declaration on July 31, 1966. It is member No. 91 of the International Federation of Red Cross and Red Crescent Societies, the international consortium of national humanitarian ~~medical~~ societies headquartered in Geneva, Switzerland.

4. The government of the Kingdom of Saudi Arabia sponsors and supervises the Saudi Red Crescent, and appoints its directors. The Saudi Red Crescent's functions include supporting humanitarian operations in other countries, and providing emergency medical services and related programs within Saudi Arabia. The Saudi Red Crescent's operations within Saudi Arabia are funded by the Saudi government for the purpose of operating the nationwide ambulance center network, operating the health clinics for pilgrims during the *Hajj* pilgrimage season, teaching first aid and road safety courses, providing road accident emergency services, and developing disaster preparedness plans. See International Federation of Red Cross and Red Crescent Societies, "Partnerships in Profile 2002-2003: Saudi Arabian Red Crescent Society," <http://www.ifrc.org/cgi/pdf_profile.pl?saprofile.pdf>; "Directory: Saudi Arabian Red Crescent Society," <<http://www.ifrc.org/address/sa.asp>> (attached hereto as Exhibits 1-2). Thus, the Saudi Red Crescent performs essential core governmental functions and is a Saudi Government instrumentality. Neither it nor its officers support terrorism or the loss of innocent life.

5. The Saudi Red Crescent owns no real property in the United States. The Saudi Red Crescent has no bank accounts, or real or personal investments in the United States. The Saudi Red Crescent does not conduct business in the United States. Officials of the Saudi Red Crescent have traveled to the United States for training and educational purposes. The Saudi Red Crescent is a member of the American-Saudi Joint Committee, which helps with the Saudi Red Crescent's projects. However, the Saudi Red Crescent does not do fundraising in the United States.

6. To the best of my knowledge, no official of the Saudi Red Crescent subscribes to or reads either the *International Herald Tribune* or the *Al Quds al Arabi*.

7. The Saudi Red Crescent has never supported the loss of innocent life and believes that there is no justification for the tragic attacks of September 11, 2001. The Saudi Red Crescent has never supported any person or organization that it knew to participate in terrorist activities.

8. The Third Amended Complaint in this case has no allegations about the Saudi Red Crescent, other than in two paragraphs. In Paragraph 95, it is stated that the Saudi Red Crescent received "direct donations . . . through NCB [National Commercial Bank] facilities." However, this paragraph makes no allegations that the Saudi Red Crescent supported terrorism.

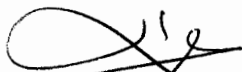
9. In Paragraph 172 of the Third Amended Complaint, it is stated that the Saudi Red Crescent was one of several entities "that formed the Saudi Joint Relief Committee (or 'SJRC')," that the SJRC "has been connected to Osama bin Laden and two of his top operatives, Wa'el Hamza Jalaidin and Adel Muhammad Sadiq bin Kazem," and that Mr. Jalaidin has been designated by the U.S. government as a terrorist. The Saudi Red Crescent hired Mr. Jalaidin to do public relations work, from about November 1986 to about October 1989, but the Saudi Red Crescent denies that it had any knowledge that Mr. Jalaidin, during that time period, or any time period, engaged in terrorist activities or knowingly supported terrorism. In fact, I understand that the United States government did not designate Mr. Jalaidin as a terrorist until September 2002.

10. The Saudi Red Crescent also denies that it had any knowledge of the activities of Osama bin Laden, al Qaeda, or Adel Muhammad Sadiq bin Kazem, other than what is generally known through the press. At no time did the Saudi Red Crescent ever participate in, or support in any way, terrorist activities.

11. The Saudi Red Crescent also denies that it has knowledge of any terrorist activities as alleged in Paragraphs 17 and 21-24 of Plaintiffs' More Definite Statement as to

Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004). The Saudi Red Crescent denies any knowledge that the Saudi Joint Relief Committee, during the 1990's, or any time period, engaged in terrorist activities or knowingly supported terrorism.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Dr. Abdul Rahman Al Swailem
In his official capacity as the President of the
Saudi Red Crescent Society

Executed on the 2 day of April, 2004.

Attachment 1 to SRCS Declaration

Saudi Arabian Red Crescent Society's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)



Saudi Arabian Red Crescent Society

Founded: 1933
 Members/volunteers: 1,000
 Staff: 3,000
 Expenditure: CHF 10.1 million (2002)

1. National context

Capital: Riyadh
 Population: 21.7 million (2000)
 GNP per capita: US\$ 6,910 (1998)
 Life expectancy: 71.9 years (1998)
 Infant mortality rate: 22 per 1,000 live births (1998)
 Adult literacy rate: 75.2 per cent (1998)

2. Foundation

Legal base

The Saudi Arabian Red Crescent Society (SARCS) was established as a charitable organization in 1933. Following an increase in its humanitarian activities, the society was recognized by the Red Cross and Red Crescent Movement in 1963.

Constituency

The society has 14 branches across the country. It runs the kingdom's main ambulance centre network (176 centres throughout the country), which is financed by the Saudi government.

3. Capacity

Human resources

The society has 3,000 salaried staff members and 1,000 registered volunteers. Its staff members include 410 trained emergency medical technicians, who work for the SARCS ambulance service, and 140 first-aid instructors, who are based at 14 regional training centres.

Financial resources

The society's budget for 2002 is CHF 10 million. This figure includes funds provided by the Saudi government to cover emergency medical services throughout the country.

Partnerships

The SARCS has contributed to international humanitarian operations in countries as diverse as Afghanistan, Chechnya, Kosovo, Kenya, Pakistan and Palestine, and among others. Contributions to aid in food, medicine, clothes and shelter amount to a cash value of over CHF 2 billion. Many private donors in Saudi Arabia give funds for international relief missions.

4. Performance

Activities

Emergency medical services

The society's resources have been directed primarily towards emergency medical services rather than general medical care. Emergency medical technician (basic) training courses run at three regional training centers.

Disaster preparedness

The SARCS has developed effective disaster preparedness plans, and gained valuable experience from assistance provided during the annual *Haj* pilgrimage season. Multidisciplinary disaster preparedness courses are conducted in cooperation with the University of Wisconsin (US).

First aid

General first-aid courses are conducted. Over the past two years, 29,000 people have been trained, including some 4,500 women.

Health

Seventy health clinics operate during the *Haj* pilgrimage season.

Road safety

The SARCS has road accident emergency services every 50 to 70 kilometres.

Community activities

The society offers first-aid training to the general public and runs first-aid, road safety and seat-belt campaigns. It has first-aid programmes for women and aims to train at least one first-aid provider per household. ■

Attachment 2 to SRCS Declaration

Saudi Arabian Red Crescent Society's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

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The Red Cross and Red
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Saudi Arabian Red Crescent Society

Address

General Headquarters
11129 Riyadh

Contact
Information

Tel: (966) (1) 4740027
Fax: (966) (1) 4740430
Telex: 400096 HILAL SJ
E-Mail: redcrescent@zajil.net

Language of
correspondence

Arabic

People

President: Dr Abdul Rahman ben ABDEL
AZIZ AL SOYEILEM
Vice-President: Dr. Saleh AL-TOUAYJERI
Director General of Relief: Mr Abdulla M.
AL-HAZZAA
Director, International Relations: Mr
Fayeg AL-HARFI

Last Updated

26.11.1999

Exhibit 2

Saudi Arabian Red Crescent Society's
and
Dr. Abdul Rahman Al Swailem's
Consolidated Motion to Dismiss

03 MDL No. 1570 (RCC)

(United Kingdom). In 1984, I earned the F.R.C.P. medical degree, also from the Royal College of Physicians, Edinburgh.

5. I initially worked as a physician at several hospitals in Saudi Arabia, then became the head of Pediatric Department center at Riyadh Hospital, the Kidney Transplant Center, and Transplant Center at the Maternity and Children Hospital.

6. I was appointed in 1989, by the Saudi Council of Ministers, to the position of Deputy Minister for Executive Affairs, Ministry of Health. The Saudi Council of Ministers, which is headed by King Fahd bin Abdulaziz al Saud and his deputies, is the highest decision-making body in the Saudi government.

7. As the Deputy Minister, I was in charge of all executive and technical affairs, including issues relating to medicine, hospitals, preventive medical care, and the delivery of health care services. I served in that position until 1998.

8. To hold a position at an Excellency level, I was appointed in November 1998 by the means of Royal order issued by King Fahd bin Abdulaziz, to serve as President of the Saudi Arabian Red Crescent Society. I continue to serve in that position.

9. The Kingdom of Saudi Arabia sponsors and supervises the Saudi Arabian Red Crescent Society, and the Saudi government appoints all of its directors. The Saudi Arabian Red Crescent Society's functions include supporting humanitarian operations in other countries, and providing emergency medical services and related programs within Saudi Arabia. The Saudi Arabian Red Crescent Society's operations within Saudi Arabia are funded by the Saudi government for the purpose of operating the nationwide ambulance center network, operating the health clinics for pilgrims during the *Hajj* pilgrimage season, teaching first aid and road safety courses, providing road accident emergency services, and developing disaster preparedness

plans. See International Federation of Red Cross and Red Crescent Societies, "Partnerships in Profile 2002-2003: Saudi Arabian Red Crescent Society," http://www.ifrc.org/cgi/pdf_profile.pl?saprofile.pdf; "Directory: Saudi Arabian Red Crescent Society," <http://www.ifrc.org/address/sa.asp> (attached hereto as Exhibits 1-2). Thus, the Saudi Red Crescent performs essential core governmental functions and is a Saudi Government instrumentality.

10. I was elected in November 2000 during the international conference of the Red Cross and Red Crescent Movement (RCRC) as a member in the Standing Commission of the Red Cross and Red Crescent as part of the RCRC Movement. The Standing Commission's functions included arranging the International Conference and the meetings of the Council of Delegates. The Standing Commission is comprised of National Society members, including the Saudi Arabian Red Crescent Society.

11. I have visited the United States around four occasions, for official purposes related to my government service as Deputy Minister. I visited San Francisco, California in 1979, Pittsburgh, Pennsylvania in 1998, Washington, D.C., and New York. I do not now recall the date of the visits to New York and Washington, D.C., but they were some time before 1998.

12. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. I do not conduct any business in the United States.

13. I do not subscribe to, or read, either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

14. As a physician, I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never knowingly supported any person or organization that I have known to participate in terrorist activities.

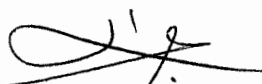
15. I am listed in the caption of the Third Amended Complaint in this action, as a defendant ("D95"). However, my name is not mentioned anywhere in the allegations in the text of the Complaint. Further, I deny that I had any connection with the perpetrators of the September 11, 2002 attacks.

16. I at no time participated in, or provided support, to any terrorist activities, or organizations engaged in terrorist activities.

17. I deny that I have knowledge of any terrorist activities as alleged in Paragraphs 17 and 21-24 of Plaintiffs' More Definite Statement as to Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004). I further deny any knowledge that the Saudi Joint Relief Committee, during the 1990's, or any time period, engaged in terrorist activities or knowingly supported terrorism.

18. I can read and understand English.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Dr. Abdul Rahman Al Swailem

Executed on the 2 day of April, 2004.

Attachment 1 to Al Swailem Declaration

Dr. Abdul Rahman Al Swailem's
Motion to Dismiss the Third Amended Complaint

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Attachment 2 to Al Swailem Declaration

Dr. Abdul Rahman Al Swailem's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

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Language of
correspondence

Arabic

People

President: Dr Abdul Rahman ben ABDEL
AZIZ AL SOYEILEM
Vice-President: Dr. Saleh AL-TOUAYJERI
Director General of Relief: Mr Abdulla M.
AL-HAZZAA
Director, International Relations: Mr
Fayeg AL-HARFI

Last Updated

26.11.1999

<http://www.ifrc.org/address/sa.asp>

4/9/2004

Exhibit 3

Saudi Arabian Red Crescent Society's
and
Dr. Abdul Rahman Al Swailem's
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AP/Wide World

Osama bin Laden, left, and Ayman al-Zawahiri, his top lieutenant, in Al Jazeera television broadcast.

Thursday, October 11, 2001 [Lance Williams, Erin McCormick, Chronicle Staff Writers](#)

(following story is copyrighted material from San Francisco Chronicle)

Top bin Laden aide toured California

San Francisco Chronicle Special Report: Al-Zawahiri solicited funds under the guise of refugee relief

Related story: [Sacramento "Holy Warriors" terrorism link](#) reported in New York Times

Two confessed members of a Silicon Valley terrorist cell say they brought Osama bin Laden's top aide to the Bay Area several years ago to raise money for terror attacks, according to documents and interviews.

Ayman al-Zawahiri, who is bin Laden's chief deputy and a suspect in a long list of terrorist crimes that includes planning last month's attacks on the World Trade Center and the Pentagon, visited the United States in the 1990s on covert fund-raising trips, the two men have told authorities.

Traveling with a stolen passport supplied by the local terrorists and using a fake name, al-Zawahiri, who has called on Muslims to kill "Americans wherever they are," visited mosques in Santa Clara, Stockton and Sacramento as part of a coast-to-coast fund-raising mission, according to these accounts.

Al-Zawahiri may have raised as much as \$500,000 in America, according to a Silicon Valley acquaintance of one of the terrorists. Most of it was donated by U.S. Muslims who were told the money would aid refugees of the Afghan-Soviet war of the 1980s, said this man, who asked not to be identified because of personal safety concerns.

Instead, according to the confessed terrorists, the money went to Egyptian Islamic Jihad, implicated in dozens of terrorist attacks, from the 1981 assassination of Egyptian President Anwar Sadat to the 1998 bombings of U.S. embassies in Kenya and Tanzania. Al-Zawahiri is a Jihad leader who brought the group's most violent elements into bin Laden's al Qaeda organization.

In the defiant videotape that the al Qaeda terrorists released after U.S. bombing of Afghanistan began Sunday, al-Zawahiri was seated next to bin Laden and spoke of America's "crimes against the nations of Muslims."

A Silicon Valley physician and civic leader told The Chronicle that in 1989 or 1990 he had been introduced to al-Zawahiri and accompanied him to local mosques. The civic leader, Dr. Ali Zaki, said he had been duped into assisting al-Zawahiri and had not been told his real name or the true purpose of his fund raising.

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Money raised in the United States by al-Zawahiri helped finance two other ambitious terror operations, according to the confessed terrorists: the 1995 bombing of the Egyptian Embassy in Islamabad, Pakistan, which killed 17 diplomats, and the training of pilots for a planned spectacular hang-glider assault on an Egyptian prison to free jailed Jihad members. That attack never occurred.

Authorities learned of al-Zawahiri's fund raising in the Bay Area from Ali Mohamed, 48, and Khalid Abu-al-Dahab, 37, Egyptian-born U.S. citizens who have confessed that they served for a decade as Islamic Jihad operatives while living in Silicon Valley.

Mohamed is a former U.S. Army sergeant who has been identified as bin Laden's "California connection" and a trainer of his bodyguards.

Last year, he pleaded guilty in U.S. District Court in New York to conspiracy charges for helping bin Laden and al-Zawahiri plot the U.S. Embassy bombings that killed more than 200 people.

Mohamed said in court that he had twice brought al-Zawahiri to the United States in the 1990s to raise money for Islamic Jihad. Terrorism experts say they believe he provided more detail in private briefings to investigators.

Dahab is a former Egyptian medical student turned Silicon Valley car salesman who was known in Santa Clara as Khaled Mohamed.

He was arrested in Cairo in a 1998 government sweep aimed at crippling Islamic Jihad, and he is serving a 15-year prison term meted out by a military court. Egyptian authorities say Dahab confessed to serving as a terrorist operative while living in Santa Clara, transferring funds raised in the Bay Area to Jihad cadres abroad and facilitating communication between Jihad leaders in Egypt and those in terrorist camps in Afghanistan.

He said he and Mohamed had brought al-Zawahiri to California in 1995 to raise money for terrorist operations, according to accounts of his confession.

The Chronicle learned the story of al-Zawahiri's U.S. fund raising from court records, interviews with knowledgeable sources and Arab-language news accounts of Egyptian court proceedings. Steven Emerson, an author and national security expert, provided research material.

Experts said the existence of the Santa Clara terrorist cell -- and its role in bringing al-Zawahiri here -- showed both the boldness of America's terrorist enemy and the nation's vulnerability to infiltration by terrorist groups.

"The very fact that someone like Zawahiri came to the U.S., that in itself should be quite stunning to many Americans," said Khalid Duran of Washington, D.C., a terrorism expert and author who has written about the Santa Clara cell.

"He is the No. 2 man, bin Laden's right-hand man, and in a way even more. He is like his teacher, his mentor."

In addition to fund raising, al-Zawahiri was in the United States "to see whom he could recruit here, what could be done here -- preparing the establishment of a base," Duran said.

Harvey Kushner, a professor of criminology at Long Island University and international terrorism expert, said that for years radical Islamic groups had raised money in the United States under the guise of refugee relief.

"That way they end up with money that's fungible and ostensibly raised for a legitimate purpose," he said. "Then, it ends up being used for a bombing or something like that.

"A lot of (donors) didn't know where the money was going; some knew exactly where it was going."

EGYPTIAN ISLAMIC JIHAD

According to documents and interviews, al-Zawahiri, 50, is the scion of a wealthy Egyptian family and grandson of one of the founders of the Arab League.

He was trained as a surgeon, but his medical career was sidetracked by his involvement in Islamic Jihad, a radical movement that has mounted a violent challenge to Egypt's moderate stance in cultural and foreign affairs.

Islamic Jihad has denounced the Egyptian government for everything from making peace with Israel to its attempts to stamp out the practice of female circumcision, according to a review of the group's communiques.

For more than two decades, it has sought to overthrow the government and convert Egypt into a Taliban-style fundamentalist Islamic state. Its most spectacular act was murdering Sadat, architect of Egypt's peace initiative with Israel.

Dozens of Jihad members, including al-Zawahiri, were arrested. He spent three years in prison on weapons charges. Then he went to Afghanistan, where he served as a medical officer for the Islamic guerrillas in the Afghan-Soviet war. He befriended bin Laden, a wealthy Saudi who was in Afghanistan financing and training the guerrilla fighters who drove the Soviets out in 1989.

Bin Laden and al-Zawahiri became increasingly anti-American after the United States defeated Iraq in the 1991 Persian Gulf War, and they began advocating a jihad, or holy war, to drive America from the Middle East.

Al-Zawahiri emerged as Islamic Jihad's leader, and he repeatedly sent Jihad fighters on missions sponsored by bin Laden.

Among the actions the two are suspected of masterminding: the 1993 ambush of U.S. Army Rangers in Somalia, which left 18 Americans dead; the bombings of the Egyptian Embassy in Pakistan in 1995 and the U.S. embassies in East Africa in

1998; and this year's attack on the World Trade Center and the Pentagon.

In 1998, al-Zawahiri signed a bin Laden fatwa, or decree, calling on Muslims to kill Americans worldwide as part of a holy war against "Jews and Crusaders."

TERRORISTS' TRAILS

The two confessed terrorists who brought al-Zawahiri here also had long- standing ties to Islamic Jihad.

Mohamed told U.S. authorities he had joined Islamic Jihad in 1981, while he was serving as a major in the Egyptian army. He said he had left the army and emigrated to the United States in 1985, obtaining U.S. citizenship after marrying a Santa Clara woman whom he met on his flight to America.

Mohamed spent three years in the U.S. Army, then returned to Silicon Valley,

where he attended Santa Clara's An-Noor mosque and worked as a security guard and at a home computer business. Through Islamic Jihad, he said, he had joined bin Laden's al Qaeda. Each year, he said, he spent months abroad, training bin Laden's fighters in camps in Afghanistan and the African nation of Sudan. While in Africa, he scouted the U.S. Embassy in Kenya, target of a suicide bombing in 1998.

Dahab said he had been drawn into Islamic Jihad after befriending Mohamed in Egypt.

According to an account of his confession published in the Arabic-language newspaper Al-Sharq al-Awsat, Dahab quit medical school in 1986 and followed Mohamed to the United States, renting an apartment in Santa Clara.

Within weeks of arriving, Dahab met and married an American woman. That marriage collapsed within a month, court records show. Dahab wed another American woman, but that marriage also ended in divorce within a year.

A third marriage, to another American, produced four children and helped him win U.S. citizenship, according to the source who met him at the mosque in Santa Clara.

Dahab worked as a maintenance man at Kaiser Hospital in Santa Clara and as a salesman at a Silicon Valley auto dealership, according to records and interviews.

He also assisted Mohamed on Jihad tasks, according to accounts of his confession.

One involved a planned hang-glider attack on the Liman Turra Prison complex near Cairo to liberate Jihad leaders, some of whom had been locked up since the Sadat assassination. According to the plan, Jihad hang-gliders would swoop off a nearby mountain into the prison grounds, setting off explosives and causing a panic to allow the jailbreak to occur.

In about 1990, on Mohamed's orders, Dahab said, he took hang-glider lessons in San Francisco.

"After I completed a course on the flying of gliders in the United States, (Mohamed) asked me to travel to Afghanistan with a model glider to train the Egyptian elements present there," he said.

The plan was later dropped, and Dahab returned here and served as a Jihad telephone operator, receiving calls from terrorists throughout the Arab world and patching them through to Jihad members in Egypt, he told authorities.

According to accounts of the confession, Dahab said that in 1995, he and Mohamed had brought al-Zawahiri into the United States. The terrorist leader traveled under the alias of Abd-al-Mu'izz, using a forged passport that Mohamed had obtained.

Dahab and Mohamed introduced al-Mu'izz to leaders of the An-Noor mosque in Santa Clara. Duran, the terrorism expert, has written that parishioners there were cool to the fund-raising pitch. Omar Ahmad, spokesman for the mosque, said that he couldn't find anyone there who remembered al-Zawahiri's visit and that Dahab's account had come as a surprise to mosque members.

The terrorist spent weeks in the country, Dahab said, and raised far more money at other mosques in Northern California, Texas and New York: hundreds of thousands, Dahab told authorities.

According to accounts of his confession, Dahab said al-Zawahiri had used money raised on the tour to pay for the bombing of the Egyptian Embassy in Islamabad.

Discrepancies exist regarding the timing and number of al-Zawahiri's U.S. visits. According to Arab press accounts and terrorism experts familiar with the case, Dahab's confession describes a single U.S. visit in 1995. Sources who were interviewed by the FBI say the agents were convinced the visit occurred that year. In court, Mohamed said he twice had brought al-Zawahiri here in the 1990s, but didn't specify dates.

But the 1995 visit was heatedly denied by another person Dahab identified as facilitating al-Zawahiri's visit -- Zaki, the South Bay physician and civic leader.

In accounts of the confession, Dahab said that Zaki and his brother, a New York pharmacist, had accompanied al-Zawahiri on his 1995 fund-raising tour. Dahab also said Zaki had paid for shipping the hang-glider to Afghanistan.

In an interview, Zaki said he knew of only one U.S. visit by al-Zawahiri -- in 1989 or 1990, at a time when the Afghan struggle against the Soviets was either still under way or only recently over. The United States had strongly backed the Afghan freedom fighters, he pointed out.

Zaki said he had been introduced to "Dr. Mu'izz," al-Zawahiri's fake name, by Mohamed and Dahab, whom Zaki said he knew because both worshipped at the same mosque. He provided limited help for what he believed was a charitable cause,

he said.

"I have been investigated by the FBI, and I testified before the grand jury for the bin Laden case, and I explained to them, (al-Zawahiri) might have been (here) in the mid-'90s, but the only time I met Mr. Zawahiri was in 1989 or 1990, and he came with a different name as a representative of the Red Crescent, which is equivalent to the Red Cross," he said.

Zaki said he had learned the terrorist connections of Mohamed and Dahab -- and the true name of "Dr. Mu'izz" -- only after the Santa Clara men were arrested.

He also denied knowingly helping to finance the hang-glider mission. He said Dahab's confession had been made under torture and that the man had falsely implicated him.

"If any of this were true, I would have been indicted," he said.

Zaki's attorney, former U.S. Rep. Pete McCloskey, said Zaki had fully cooperated with FBI agents and a U.S. grand jury that questioned him about al-Zawahiri after Mohamed and Dahab were arrested.

He described Zaki as a law-abiding and religious man who would never knowingly support terrorism and who had done nothing wrong.

"This is not a man of violence . . . this is not a man who would jeopardize an American future," McCloskey said.

A TERRORIST'S CAREER PATH

Ayman al-Zawahiri's career as leader of the Egyptian Islamic Jihad has carried him from suspected involvement in President Anwar Sadat's 1981 assassination in Egypt, through several fund-raising trips to the United States, to the No. 2 spot in Osama bin Laden's terrorist organization, al Qaeda.

-- 1951-74: Al-Zawahiri is raised in a wealthy Egyptian family and earns his medical degree at Cairo University.

-- 1981: He is convicted of weapons charges in conjunction with Sadat's assassination and serves three years in an Egyptian prison.

-- Mid-1980s: He opens a medical clinic for rebels in Afghanistan, where he meets bin Laden and becomes one of his closest associates.

-- Late 1980s: Al-Zawahiri emerges as the leader of the Egyptian Islamic Jihad, while he and bin Laden refocus their efforts toward an international "holy war" of terrorism.

-- 1989 to 1995: He is said to visit the United States, at least once, possibly twice under false passports to raise funds for bin Laden operations.

- 1996: He is charged with bombing the Egyptian Embassy in Pakistan with the financial support of bin Laden.
- 1998: He resigns as the head of the Egyptian Islamic Jihad when the group shifts toward nonviolence; strengthens ties with bin Laden. The United States indicts al-Zawahiri (along with bin Laden) for the U.S. Embassy bombings in Kenya and Tanzania.
- 1999: He is tried in absentia in an Egyptian terrorism trial and sentenced to death.
- Oct. 7, 2001: He appears at bin Laden's side in a video threatening more violence, after the United States begins its retaliatory bombings in Afghanistan.
- Oct. 9, 2001: Al-Zawahiri is named to the FBI's list of the world's "most wanted" terrorists for his suspected role as one of the planners of the Sept. 11 attacks.

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